UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,142	09/24/2003	Amit Singhal	0026-0047	2802

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 October 2009*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-11 and 46-51* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1,3-11 and 46-51* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the amendment filed on 10/15/2009.

2.   Claims 1, 3-11 and 46-51 are currently pending in this application. Claims 1, 9-11 are

independent claims. In the Amendment filed 10/15/2009, claims 1, 6, and 8-10 are amended.

This action is made Final.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 3-11 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent Application Publication No. 2005/0027670 by Petropoulos (hereinafter Petropoulos)

in view of U.S. Patent No. 6,826,559 issued to Ponte (hereinafter Ponte).

        Regarding Claims 1 and 9-11, Petropoulos discloses a method performed by a device,

comprising:

        receiving, at one or more processors of the one or more server devices, a query,

from a client device, that includes one or more terms (Petropoulos: pg. 2, [0021]; pg. 4,

[0063-0064]; figs. 1&5 - as the user seeking a document on the Internet);

        determining, by one or more processors of the one or more server devices, whether

the query is a commercial query by (Petropoulos: pg. 2, [0018-0019]; pgs. 4-5, [0071 & 0085];

figs. 1 & 5 - as the query is determined to be focused on either educational <i.e., non-

commercial> research or to purchase of goods or services <i.e., commercial>):

determining whether the one or more terms of the query matches to the data

from the database (Petropoulos: pg. 1, [0002-0003]; pg. 2, [0021]; pgs. 4, [0071] – as if the

query determined to be the purchase of goods or services, the process may be reconfigured to

emphasize commercial)**, and**

identifying the query as a commercial query when the one or more terms of

the query matches to the data from the database (Petropoulos: pg. 2, [0021]; pgs. 4-5 [0067,

0071, & 0080] - as based on the text scores such as word density and hyperlink scores such as

link popularity)**;**

processing, by one or more processors of the one or more server devices, the query

in a first manner when the query is not determined to be a commercial query, where

processing the query in a first manner includes ranking documents in a first manner

(Petropoulos: pg. 2, [0018-0019]; pg. 4, [0063-0067, 0071] – as if the query is determined to be

focused on educational research, the process may be configured to promote non-commercial

material)**; and**

processing, by one or more processors of the one or more server devices, the query

in a second, different manner in response to determining that the query is a commercial

query, where processing the query in a second manner includes ranking documents in a

second, different manner (Petropoulos: pg. 2, [0021]; pg. 2, [0021-0022]; pg. 4, [0071] – as if

the query determined to be the purchase of goods or services, the process may be reconfigured to

emphasize commercial).

Although Petropoulos discloses the feature of processing the query in a manner when the query is not determined to be a commercial query as disclosed above (Petropoulos: pg. 4, [0071]), Petropoulos does not explicitly disclose the feature of matching the terms of the query to a commercial query pattern, and a different process manner when the query is not a commercial query. However, such features are well known in the art as disclosed by Ponte (Ponte: col. 1, lns. 52-64; col. 13, lns. 54-col. 14, lns. 25; col. 36, lns. 39-col. 37, lns. 42; figs. 25 and 41; a markup language file includes markup language statements, like tags identifying key data items in the document for each business) and it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teachings of Ponte in the system of Petropoulos in view of improving the efficiency of the searching system.

In addition, claim 10 disclose a server comprising a memory to store instructions (Petropoulos: pg. 6, [0084]; a machine-readable medium/media with operating system software executing in memory).

Regarding claims 3 and 46, Petropoulos and Ponte disclose the method where the determining whether the query is a commercial query further includes:

determining, when the one or more terms of the query is not included in the list of commercial query patterns, whether the one or more terms of the query relates to at least one commercial query pattern in the list of commercial query patterns (Petropoulos: [0071, 0078 & 0080]) and (Ponte: col. 1, lns. 52-64; col. 13, lns. 54-col. 14, lns. 25; col. 36, lns. 39-col. 37, lns. 4);

identifying the query as a commercial query when the one or more terms of the query

relates to at least one commercial query pattern in the list of commercial query patterns

(Petropoulos: [0071 & 0078]) and (Ponte: col. 1, lns. 52-64; col. 13, lns. 54-col. 14, lns. 25; col.

36, lns. 39-col. 37, lns. 4), and

identifying the query as not being a commercial query when the one or more terms of the

query is unrelated to the list of commercial query patterns (Petropoulos: [0071 & 0080]) and

(Ponte: col. 1, lns. 52-64; col. 13, lns. 54-col. 14, lns. 25; col. 36, lns. 39-col. 37, lns. 4).

Regarding claim 4 and 47, Petropoulos and Ponte disclose the method where the

determining whether the query relates to at least one commercial query pattern in the list of

commercial query patterns includes:

determining whether the one or more terms of the query relates to at least one

commercial query pattern based at least in part on at least one of whether a stem word of the

one or more terms of the query matches a stem word of a commercial query pattern in the list,

or whether a synonym of the one or more terms of the query matches a commercial query

pattern in the list (Petropoulos: [0071]) and (Ponte: col. 1, lns. 52-64; col. 13, lns. 54-col. 14,

lns. 25; col. 36, lns. 39-col. 37, lns. 4).

Regarding claim 5, Petropoulos and Ponte disclose the method where the processing the

query in a first manner includes:

retrieving one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077])

and (Ponte: col. 13, lns. 53-col. 14, lns. 25); and

scoring the one or more documents based at least in part on a first set of criteria

(Petropoulos: pg. 5, [0076 & 0078]) and (Ponte: col. 40, lns. 49-col. 41, lns. 2).

Regarding claim 6, Petropoulos and Ponte discloses the method wherein the processing

the query in a second, different manner includes:

retrieving the one or more documents relating to the query (Petropoulos: [0071 & 0077]),

and

scoring the one or more documents based at least in part on a second, different set of

criteria (Petropoulos: pg. 5, [0076 & 0078]) and (Ponte: col. 40, lns. 49-col. 41, lns. 2).

Regarding claim 7 and 50, Petropoulos and Ponte disclose the method where the

determining whether the query is a commercial query includes:

determining whether the query is a commercial query or a non-commercial query based

at least in part on one or more attributes of documents that match the query (Petropoulos: [0071])

and (Ponte: col. 37, lns. 5-42).

Regarding claim 8 and 51, Petropoulos and Ponte discloses the method where the

determining whether the query is a commercial query further includes:

determining whether the query is a commercial query or a non-commercial query based

at least in part on user-supplied data regarding the query or documents that match the query

(Petropoulos: [0071 & 0081]) and (Ponte: col. 36, lns. 39-col. 37, lns. 4).

Regarding claim 48, Petropoulos and Ponte disclose the server where the processor is further configured to execute the instructions to:

retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]), and

score the one or more documents based at least in part on a first set of criteria when the query is not identified as commercial (Petropoulos: pg. 4, [0063-0067]; pg. 5, [0076 & 0078]) and (Ponte: col. 37, lns. 5-42).

Regarding claim 49, Petropoulos and Ponte disclose the server where the processor is further configured to execute the instructions to:

retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]), and

score the one or more documents based at least in part on a second, different set of criteria when the query is identified as commercial (Petropoulos: pg. 1, [0005]; pg. 2, [0021-0022]; pg. 5, [0076 & 0078]) and (Ponte: col. 36, lns. 5-col. 37, lns. 4).

Response to Arguments

5.   Applicant's arguments filed 10/15/2009 have been fully considered but they are not persuasive.

Applicant argues that neither Petropoulos nor Ponte does not disclose the features (i.e., "determining whether one or more terms of the query, in any particular order, matches a commercial query pattern in a list of commercial query patterns") of claims 1 and 9-11. Contrary to applicant's argument, Petropoulos discloses (in pg. 4, [0071]) that the system can

determine whether a query is commercial <i.e., the purchase of goods/services> or non-commercial <i.e., educational research> based on query terms. Ponte discloses (in col. 36, lns. 39-col. 37, lns. 42) that when the user enters a query for a particular location, the system retrieves a matching document from term lists <i.e., commercial or non-commercial query patterns> that corresponds to a ranking of the user-entered query. It should be noted that the rejections regarding these claims are made under 35 U.S.C. 103(a) and the test for obviousness is whether the combined teaching of the references would have suggested the combination to one of ordinary skill in the art. Although Petropoulos does not disclose all of the claimed limitations, the features not disclosed by Petropoulos are disclosed by Ponte. One can not show non-obviousness by attacking references individually where, as here, the rejection is based on a combination of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.1986). In addition, as explained in the rejection above, Petropoulos in view of Ponte discloses applicant's broadly recited claim limitation. It should be noted that it is the claims that define the claimed invention, it is the claims, not the specification, that are anticipated or unpatentable.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192.

The examiner can normally be reached on Mon- Fri 8:00 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

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02/2010

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161